

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in opening provision, was in the original “this Act”, meaning Pub. L. 95-372, Sept. 18, 1978, 92 Stat. 629, known as the Outer Continental Shelf Lands Act Amendments of 1978, which enacted this chapter, sections 1344 to 1356 of this title, and section 237 of Title 30, Mineral Lands and Mining, amended sections 1331 to 1334, 1337, 1340, and 1343 of this title, sections 1456, 1456a, and 1464 of Title 16, Conservation, and section 6213 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under sections 1348 and 1811 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

**SUBCHAPTER I—OFFSHORE OIL SPILL  
POLLUTION FUND**

**§§ 1811 to 1824. Repealed. Pub. L. 101-380, title II,  
§ 2004, Aug. 18, 1990, 104 Stat. 507**

Section 1811, Pub. L. 95-372, title III, §301, Sept. 18, 1978, 92 Stat. 670, defined terms used in this subchapter.

Section 1812, Pub. L. 95-372, title III, §302, Sept. 18, 1978, 92 Stat. 672; Pub. L. 101-239, title IX, §9001(a), Dec. 19, 1989, 103 Stat. 2470, established Offshore Oil Pollution Compensation Fund.

Section 1813, Pub. L. 95-372, title III, §303, Sept. 18, 1978, 92 Stat. 674, provided for asserting claims for economic loss from oil pollution.

Section 1814, Pub. L. 95-372, title III, §304, Sept. 18, 1978, 92 Stat. 675, set scope of liability of owners and operators of vessels and offshore facilities.

Section 1815, Pub. L. 95-372, title III, §305, Sept. 18, 1978, 92 Stat. 677; Pub. L. 100-610, title I, §2, 3, Nov. 5, 1988, 102 Stat. 3176, required owners and operators of offshore facilities and vessels using offshore facilities to provide evidence of financial responsibility to cover liability for oil pollution.

Section 1816, Pub. L. 95-372, title III, §306, Sept. 18, 1978, 92 Stat. 678, provided for notification, designation, and advertisement of incidents involving vessels or offshore facilities.

Section 1817, Pub. L. 95-372, title III, §307, Sept. 18, 1978, 92 Stat. 679, related to presentment of claims to owners, operators, guarantors, or Offshore Oil Pollution Compensation Fund.

Section 1818, Pub. L. 95-372, title III, §308, Sept. 18, 1978, 92 Stat. 682, provided for subrogation of any person or governmental entity which paid compensation for an economic loss to all rights, claims, and causes of action which claimant had under this subchapter.

Section 1819, Pub. L. 95-372, title III, §309, Sept. 18, 1978, 92 Stat. 683, provided for jurisdiction and venue of controversies arising under this subchapter.

Section 1820, Pub. L. 95-372, title III, §310, Sept. 18, 1978, 92 Stat. 684, outlined relationship of this subchapter to other State or Federal laws.

Section 1821, Pub. L. 95-372, title III, §311, Sept. 18, 1978, 92 Stat. 684, prohibited harmful discharge of oil from any offshore facility or vessel.

Section 1822, Pub. L. 95-372, title III, §312, Sept. 18, 1978, 92 Stat. 684, set civil and criminal penalties for violations of provisions of this subchapter.

Section 1823, Pub. L. 95-372, title III, §313, Sept. 18, 1978, 92 Stat. 685, authorized appropriations for administration of this subchapter.

Section 1824, Pub. L. 95-372, title III, §314, Sept. 18, 1978, 92 Stat. 685, directed Secretary of Transportation to submit report annually to Congress on operation of this subchapter.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF REPEAL

Repeal applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an

Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

## EFFECTIVE DATE

Pub. L. 95-372, title III, §315, Sept. 18, 1978, 92 Stat. 685, which provided that such section, section 1814(e) of this title, section 1815(d) of this title, and all provisions of this subchapter authorizing the delegation of authority or the promulgation of regulations were to be effective Sept. 18, 1978, and that all other provisions of this subchapter, and rules and regulations promulgated pursuant to such provisions, were to be effective on the one hundred and eightieth day after Sept. 18, 1978, was repealed by Pub. L. 101-380, title II, §2004, Aug. 18, 1990, 104 Stat. 507.

## OFFSHORE OIL POLLUTION COMPENSATION FUND

Amounts remaining in the Offshore Oil Pollution Compensation Fund established under former section 1812 of this title to be deposited in the Oil Spill Liability Trust Fund established under section 9509 of Title 26, Internal Revenue Code, with that Fund to assume all liability incurred by the Offshore Oil Pollution Compensation Fund, see section 2004 of Pub. L. 101-380, set out as a note under section 9509 of Title 26.

**SUBCHAPTER II—FISHERMEN'S  
CONTINGENCY FUND**

**§ 1841. Definitions**

As used in this subchapter, the term—

(1) “area affected by Outer Continental Shelf activities” means any geographic area:

(A) which is under oil or gas lease on the Outer Continental Shelf;

(B) where Outer Continental Shelf exploration, development or production activities have been permitted, except geophysical activities;

(C) where pipeline rights-of-way have been granted; or

(D) otherwise impacted by such activities including but not limited to expired lease areas, relinquished rights-of-way and easements, Outer Continental Shelf supply vessel routes, or other areas as determined by the Secretary;

(2) “citizen of the United States” means any person who is a United States citizen by law, birth, or naturalization, any State, any agency of a State, or a group of States, or any corporation, partnership, or association organized under the laws of any State which has as its president or other chief executive officer and as its chairman of the board of directors, or holder of a similar office, a person who is a United States citizen by law, birth, or naturalization, and which has at least 75 per centum of the interest of<sup>1</sup> therein owned by citizens of the United States. Seventy-five per centum of the interest in the corporation shall not be deemed to be owned by citizens of the United States—

(A) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States;

(B) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States;

(C) if through any contract or understanding it is so arranged that more than 25

<sup>1</sup> So in original. The “of” is probably unnecessary.

per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or

(D) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States;

(3) “commercial fisherman” means any citizen of the United States who owns, operates, or derives income from being employed on a commercial fishing vessel;

(4) “commercial fishing vessel” means any vessel, boat, ship, or other craft which is (A) documented under the laws of the United States or, if under five net tons, registered under the laws of any State, and (B) used for, equipped to be used for, or of a type which is normally used for commercial purposes for the catching, taking, or harvesting of fish or the aiding or assisting of any activity related to the catching, taking, or harvesting of fish, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing;

(5) “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds, and highly migratory species;

(6) “fishing gear” means (A) any commercial fishing vessel, and (B) any equipment of such vessel, whether or not attached to such a vessel;

(7) “Fund” means the Fishermen’s Contingency Fund established under section 1842 of this title; and

(8) “Secretary” means the Secretary of Commerce or the designee of such Secretary.

(Pub. L. 95-372, title IV, § 401, Sept. 18, 1978, 92 Stat. 685; Pub. L. 97-212, §§ 1, 8, June 30, 1982, 96 Stat. 143, 147.)

#### Editorial Notes

##### AMENDMENTS

1982—Pub. L. 97-212 added par. (1), redesignated former pars. (1) to (7) as (2) to (8), respectively, and struck out “at sea” after “the aiding or assisting” in par. (4)(B) as redesignated.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-212, § 9, June 30, 1982, 96 Stat. 147, provided that:

“(a) Except as provided for in subsection (b), the amendments made by this Act [amending this section and sections 1842 to 1845 of this title, repealing section 1847 of this title, enacting a provision set out as a note under section 1823 of Title 16, Conservation, and amending a provision set out as a note under section 1823 of Title 16] shall apply with respect to claims for damages that are filed, on or after the date of the enactment of this Act [June 30, 1982], with the Secretary of Commerce under section 405(a) of the Outer Continental Shelf Lands Act Amendments of 1978 [section 1845(a) of this title].

“(b)(1) Any commercial fisherman who filed a claim with the Secretary of Commerce for compensation under title IV of such amendments of 1978 [this subchapter] before the date of the enactment of this Act [June 30, 1982] may, if no decision on such claim was

rendered under section 405(d) of such title IV [section 1845(d) of this title] before such date of enactment [June 30, 1982], refile such claim with the Secretary if the claimant notifies the Secretary in writing within thirty days after notification under paragraph (2) of his eligibility to refile the claim that he intends to so refile. If timely notification of intent to refile is made under the preceding sentence, any action pending with respect to the original claim shall be suspended pending the refile of the claim under paragraph (2) and, if such refile is timely made, such action shall be vacated.

“(2) The Secretary shall notify each claimant eligible to refile a claim under paragraph (1) of such eligibility within 10 days after the date of enactment of this Act [June 30, 1982].

“(3) A claim for which notification on intent to refile was timely made under paragraph (1) must be refiled with the Secretary within the thirty-day period after the date on which the regulations promulgated to implement the amendments made by this Act become final or action shall be resumed with respect to such claim without regard to the amendments made by this Act.

“(4) The amendments made by this Act shall apply with respect to any claim that is refiled on a timely basis under paragraph (3).”

#### § 1842. Fishermen’s Contingency Fund

##### (a) Establishment; availability; source of deposits; limitation on amount; interest-bearing accounts; litigation

(1) There is established in the Treasury of the United States a Fishermen’s Contingency Fund. The Fund shall be available to the Secretary without fiscal year limitations as a revolving fund for the purpose of making payments pursuant to this section. The Fund shall consist of—

(A) revenues received from investments made under paragraph (3);

(B) amounts collected under subsection (b); and

(C) amounts recovered by the Secretary under section 1845(h)(2) of this title.

The total amount in the Fund that is collected under subsection (b) may at no time exceed \$2,000,000; and the total amount in the Fund which is attributable to revenue received under paragraph (3) or recovered by the Secretary under section 1845(h)(2) of this title shall be expended prior to amounts collected under subsection (b). Not more than 8 percent of the total amount in the Fund may be expended in any fiscal year for paying the administrative and personnel expenses referred to in paragraph (2)(A).

(2) The Fund shall be available, as provided for in appropriation Acts solely for the payment of—

(A) the personnel and administrative expenses incurred in carrying out this subchapter;

(B) any claim, in accordance with procedures established under this section, for damages that are compensable under this subchapter; and

(C) attorney and other fees awarded under section 1845(e) of this title with respect to any such claim.

(3) Sums in the Fund that are not currently needed for the purposes of the Fund shall be kept on deposit in appropriate interest-bearing accounts that shall be established by the Sec-